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*Attorneys for Plaintiff
Trace-Wilco, Inc.*

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRACE-WILCO INC.)	Case No. CV 09-00810 SI
)	
Plaintiff,)	
)	
v.)	FIRST AMENDED COMPLAINT
)	FOR PATENT INFRINGEMENT
)	AND DEMAND FOR JURY TRIAL
SYMANTEC CORPORATION,)	
CISCO SYSTEMS, INC.,)	
MCAFEE, INC., and GOOGLE INC.)	
)	
Defendants.)	
)	

Plaintiff Trace-Wilco, Inc. ("Trace-Wilco") complains of defendants Symantec Corporation ("Symantec"), Cisco Systems, Inc. ("Cisco"), McAfee, Inc. ("McAfee") and Google Inc. ("Google") as follows:

PARTIES, JURISDICTION, AND VENUE

1
2 1. This is a claim for patent infringement arising under the patent laws of the United
3 States, including 35 U.S.C. §§ 271, 281. This Court has exclusive jurisdiction over the subject
4 matter of this action under 28 U.S.C. § 1338(a).

5
6 2. Trace-Wilco is a Florida corporation with its sole place of business in Port St. Lucie,
7 Florida.

8 3. The patent-in-suit is U.S. Patent No. 5,796,948 entitled "Offensive Message
9 Interceptor for Computers," which issued on August 18, 1998 (the "'948 Patent;" Ex. A.)

10 4. Trace-Wilco owns and has all right, title and interest in the '948 Patent, including all
11 claims for damages by reason of past, present or future infringement, with the right to sue for and
12 collect damages for the same and therefore has standing to sue for infringement of the '948 Patent.

13
14 5. Symantec is a Delaware corporation with its North American headquarters located at
15 20330 Stevens Creek Boulevard, Cupertino, California 95014-2132. Symantec designs, develops,
16 offers for sale and sells software products that are covered by the claims of the '948 Patent
17 nationwide, including this judicial district.

18 6. Cisco is a California corporation with its corporate headquarters located at 170 West
19 Tasman Drive, San Jose, California 95134-1706. Cisco designs, develops, offers for sale and sells
20 software products that are covered by the claims of the '948 Patent nationwide, including this
21 judicial district. Cisco's registered agent in the state of California is Lawyer's Incorporating Service,
22 2730 Gateway Oaks Drive, Suite 100, Sacramento, California 95833.

23
24 7. McAfee is a Delaware corporation with its corporate headquarters located at 3965
25 Freedom Circle, Santa Clara, California 95054. McAfee designs, develops, offers for sale and sells
26 software products that are covered by the claims of the '948 Patent nationwide, including this
27 judicial district. McAfee's registered agent in the state of California is C T Corporation System, 818
28 West Seventh Street, Los Angeles, California 90017.

1 15. McAfee has infringed the claims of the '948 Patent at least by making, using,
2 importing, selling or offering to sell, and by inducing, aiding and abetting, encouraging or
3 contributing to others' use of its email security products with content filtering capabilities, including
4 but not limited to McAfee's Email and Web Security Appliance and Secure Mail (*IronMail*)
5 products.

6
7 16. The acts of infringement set forth above have occurred in this judicial district, such as
8 through McAfee's website that reaches and instructs customers in this district to buy and use
9 McAfee products.

10 17. Google has infringed the claims of the '948 Patent at least by making, using,
11 importing, selling or offering to sell, and by inducing, aiding and abetting, encouraging or
12 contributing to others' use of its email security products with content filtering capabilities, including
13 but not limited to Google's Message Security and Message Discovery products.

14
15 18. The acts of infringement set forth above have occurred in this judicial district, such as
16 through Google's website that reaches and instructs customers in this district to buy and use Google
17 products.

18 19. Symantec, Cisco, McAfee and Google's infringement has injured Plaintiff, and
19 Plaintiff is entitled to recover damages adequate to compensate it for the infringement that has
20 occurred, but in no event less than a reasonable royalty.

21
22 20. The infringement by Symantec, Cisco, McAfee and Google has injured and will
23 continue to injure Plaintiff unless and until such infringement is enjoined by the Court.

24 21. Trace-Wilco has complied with the requirements of 35 U.S.C. §287.

25 WHEREFORE, Plaintiff, Trace-Wilco, respectfully requests judgment against Symantec,
26 Cisco, McAfee and Google and its subsidiaries and affiliates and all persons in active concert or
27 participation with them, as follows:

28 A. An entry of judgment in favor of Trace-Wilco and against Symantec, Cisco, McAfee
FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT

1 and Google;

2 B. An award of damages adequate to compensate Plaintiff for the infringement, together
3 with prejudgment interest from the date infringement began, but in no event less than a reasonable
4 royalty as permitted by 35 U.S.C. §285;

5 C. A finding that this case is exceptional and an award to Plaintiff of its attorneys' fees
6 and expenses as provided by 34 U.S.C. § 285;

7 D. Such other further relief as this Court or a jury may deem proper.
8

9
10 **JURY DEMAND**

11 Plaintiff demands a trial by jury on all issues so triable.

12 Dated: March 30, 2009

13 Respectfully submitted,

14 /s/ George F. Bishop

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